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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

RICARDO GUERRERO,
Defendant.

CASE NO. 1:21-CR-240-JLT-SKO

ORDER RE: WAIVER OF PRIVILEGE

DATE:
TIME:
COURT: Hon. Jennifer L. Thuston

ORDER

The Court has reviewed the defendant's motion to vacate, set aside judgment, or correct the sentence pursuant to 28 U.S.C. § 2255, ECF 60, and the United States's application for an order compelling information from prior defense counsel.

For good cause showing and based on the record before the Court, the Court FINDS that defendant Ricardo Guerrero, through his motion alleging ineffective assistance of counsel, has waived the attorney-client privilege with respect to prior defense counsel Scott A. Tibbedeaux regarding (1) any and all plea negotiations and/or considerations, including any and all case-related discussions regarding the nature of the charges and the consequences of the plea in case no. 1:21-CR-240; (2) any communications, strategy, discussions, research, and investigative work product about the indictment and potential penalties or defenses to the indictment in case no. 1:21-CR-240; (3) any communications,

1 strategy, discussion, research, and investigative work product related to the decision
2 whether to file a notice of appeal and/or an appeal in case no. 1:21-CR-240; and (4) any
3 communications, strategy, and discussion related to defendant's understanding of the
4 charge filed against him in the indictment, and the defendant's decision to plead guilty in
5 case no. 1:21-CR-240.

6 IT IS HEREBY ORDERED that Scott A. Tibbedeaux shall provide a copy of all
7 information in his possession regarding (1) any and all plea negotiations and/or
8 considerations, including any and all case-related discussions regarding the nature of the
9 charges and the consequences of the plea in case no. 1:21-CR-240; (2) any communications,
10 strategy, discussions, research, and investigative work product about the indictment and
11 potential penalties or defenses to the indictment in case no. 1:21-CR-240; (3) any
12 communications, strategy, discussion, research, and investigative work product related to
13 the decision whether to file a notice of appeal and/or an appeal in case no. 1:21-CR-240;
14 and (4) any communications, strategy, and discussion related to defendant's
15 understanding of the charge filed against him in the indictment preparation, and the
16 defendant's decision to plead guilty in case no. 1:21-CR-240 to the United States by
17 September 24, 2025.

18 IT IS HEREBY ORDERED that the Court COMPELS Scott A. Tibbedeaux to
19 provide the information subject to the waiver to the United States, including through an
20 interview and/or deposition, and further COMPELS Scott A. Tibbedeaux to respond to
21 related written questions presented by the United States by answer in the form of sworn
22 declaration.

23 IT IS FURTHER ORDERED that all responsive information provided by Scott A.
24 Tibbedeaux to the United States shall be subject to the following protective order:

- 25 1. The United States is prohibited from using the responsive information for any
26 purpose other than litigating the instant motion.
- 27 2. The United States Attorney's Office for the Eastern District of California shall
28 not disseminate the responsive information to any other persons or offices,

including law enforcement or prosecutorial agencies.

IT IS FURTHER ORDERED that the United States shall file a response to the defendant's § 2255 motion by October 24, 2025.

IT IS FURTHER ORDERED that the defendant shall file any reply by November 24, 2025.

IT IS SO ORDERED.

Dated: July 25, 2025


UNITED STATES DISTRICT JUDGE